PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

James C. HUMPHRIES

Application No.: 10/659,074

Filed: September 11, 2003

For: AUTOMATIC OPTIMIZATION PUMP AND SENSOR SYSTEM

Group Art Unit: 3746

Examiner: W. Rodriguez

Docket No.: RSE 100

RESPONSE TO FINAL REJECTION

Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 9, 2006 Office Action, the period for reply being extended by the attached Petition for Extension of Time, please consider the following remarks. Claims 2-21 are pending.

The Office Action rejects claims 2-21 under the judicially created doctrine of obviousness-type double patenting over claims 1-20 over U.S. Patent No. 6,616,413. A terminal disclaimer under 37 C.F.R. §1.321(c) is attached to this response. Thus, the rejection is now moot. Withdrawal of the rejection is respectfully requested.
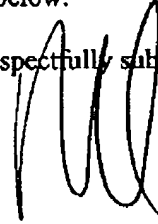
The April 18, 2006 interview summary indicates that the Examiner agreed to mail a PTO-892 form listing the five references identified in the continuation sheet upon receiving a terminal disclaimer, which would place the case in a condition for allowance. Thus, Applicant requests that the Examiner issue the PTO-892 indicating consideration of the 5 references.

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Moreover, this application is now in a condition for allowance. Favorable

reconsideration and prompt allowance of claims 2-21 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to

place this application in better condition for allowance, the Examiner is invited to contact

Applicant's attorney at the telephone number set forth below.

Respectfully submitted,

Richard S. Elias
Registration No. 48,806

RSE

Attachments:
    PTO/SB/22 Petition for Extension of Time
    PTO/SB/26 Terminal Disclaimer
    PTO-2038 Credit Card Payment Form

Date: August 24, 2006

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